

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

<p>EAGLEVIEW TECHNOLOGIES, INC., and PICTOMETRY INTERNATIONAL CORP.,</p> <p style="text-align: center;">Plaintiffs,</p> <p>v.</p> <p>NEARMAP US, INC.,</p> <p style="text-align: center;">Defendant.</p>	<p style="text-align: center;">PATENT CASE SCHEDULING ORDER</p> <p>Case No. 2:21-cv-00283</p> <p>Judge Ted Stewart</p> <p>Magistrate Judge Daphne A. Oberg</p>
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Pursuant to Fed. R. Civ P. 16(b), the Court received the Attorney Planning Report (Doc. No. 55) filed by counsel. The Court schedules the following matters. The parties may not modify the times and deadlines set forth herein without the approval of the Court and on a showing of good cause pursuant to Fed. R. Civ. P. 6.

ALL DEADLINES ARE SET FOR 11:59 P.M. ON THE DATE INDICATED UNLESS EXPRESSLY STATED TO THE CONTRARY

(1) PRELIMINARY MATTERS/DISCLOSURES

Event	Date
Plaintiff's Accused Instrumentalities disclosure due [LPR 2.1, 7 days from Answer]	December 6, 2021
Last day to hold Rule 26(f)(1) Conference and begin discovery [LPR 1.2, 1.3, 35 days from Answer]	January 3, 2022
Plaintiff's Rule 26(a)(1) initial disclosure due [LPR 2.2, 21 days from answer]	January 7, 2022
Attorney Planning Meeting Report and Proposed Scheduling Order submitted [LPR 1.2, 7 days from 26(f) Conference]	January 10, 2022
Defendant's Rule 26(a)(1) initial disclosure due [LPR 2.2, 28 days from Answer]	January 14, 2022
Plaintiff serves Initial Infringement Contentions [LPR 2.3, 35 days from Defendant's Initial Disclosures]	February 10, 2022
Defendant serves Initial Non-Infringement, Unenforceability, and Invalidity Contentions [LPR 2.4, 14 days from Infringement Contentions]	February 24, 2022

Event	Date
Final Infringement Contentions [LPR 3.1, 21 weeks from Initial Contentions]	June 30, 2022
Final Unenforceability and Invalidity Contentions [LPR 3.1, 14 days from Final Infringement Contentions]	July 14, 2022
Final Non-Infringement Contentions [LPR 3.2, 28 days from Final Infringement Contentions]	July 28, 2022

(2) DISCOVERY LIMITATIONS

Event	Limitation
Maximum number of depositions ¹ by Plaintiff(s)	10
Maximum number of depositions ² by Defendant(s)	10
Maximum number of hours for each deposition (unless extended by agreement of parties)	7
Maximum interrogatories ³ by any party to any party	25
Maximum requests for admissions by any party to any party	200
Maximum requests for production by any party to any party	100

The parties shall handle a claim of privilege or protection as trial preparation material asserted after production as set forth in the Standard Protective Order for the United States District Court for the District of Utah.

Event	Date
Deadline to serve written discovery before claim construction [R. 34]	July 26, 2022
Close of fact discovery before claim construction [LPR 1.3(a), 28 days from Exchange of CC Terms]	September 8, 2022
Disclosure of intent to rely on opinions of counsel and materials in support [LPR 1.3(c), 7 days from Entry of CC Ruling]	7 days after claim construction ruling
Deadline to file motion for additional discovery [LPR 1.3(b)]	14 days after claim construction ruling

(3) AMENDMENT OF PLEADINGS/ADDING PARTIES

Event	Date
Last day to file motion to amend pleadings	September 14, 2022

¹ Excluding depositions of experts.

² Excluding depositions of experts.

³ An interrogatory or multiple interrogatories seeking the basis of a party's affirmative defenses, infringement contentions, or invalidity contentions counts as one interrogatory regardless of the number of affirmative defenses alleged or the number of infringed or invalid claims alleged. A party may object to the time of discovery as set forth in LPR 1.7.

Last day to file motion to add parties	September 14, 2022
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(4) CLAIM CONSTRUCTION PROCESS

Event	Date
Parties exchange proposed claim terms and claim constructions for construction [LPR 4.1(a), 14 days from Final Non-Infringement Contentions]	August 11, 2022
Reach agreement to submit no more than 10 terms for construction [LPR 4.1(b), 7 days from Exchange of Terms]	August 18, 2022
Parties file Cross-Motions for Claim Construction and Joint Appendix [LPR 4.2(a) & (b), 35 days from Exchange of Terms]	September 15, 2022
Parties file Simultaneous Responsive Claim Construction Briefs [LPR 4.2(c), 28 days from Opening Briefing]	October 6, 2022 [21 days from Opening Claim Construction Briefs]
Joint Claim Construction Chart & Joint Status Report Due [LPR 4.2(f), 7 days from Responsive Briefing]	October 13, 2022
Tutorial for Court [LPR 4.4, 14 days from Responsive Briefing]	October 20, 2022
Parties exchange exhibits [LPR 4.3]	7 days before claim construction hearing
Claim Construction Hearing ⁴ [LPR 4.3]	TBD

(5) EXPERT DISCOVERY

Event	Date
Parties bearing burden of proof [LPR 5.1(b)]	28 days after claim construction ruling
Counter reports [LPR 5.1(c), 28 days after opening reports]	56 days after claim construction ruling
Close of expert discovery [LPR 5.2, 35 days after rebuttal reports]	91 days after claim construction ruling

(6) DISPOSITIVE MOTIONS

Event	Date
Deadline to file dispositive motions required to be filed with claim construction [LPR 6.2, at Opening CC Briefing]	September 15, 2022

⁴ Parties should contact the Court to set the date for the Claim Construction Hearing.

Deadline to file opposition to dispositive motions filed with claim construction [LPR 6.2, DUCivR 56-1, 7-1, 28 days from Dispositive Motion]	October 13, 2022
Deadline to file reply to dispositive motions filed with claim construction [LPR 6.2, DUCivR 56-1, 7-1, 14 days from Opposition]	October 27, 2022
Deadline for filing partial or complete motions to exclude expert testimony	105 days after claim construction ruling
Deadline for filing dispositive or potentially dispositive motions [LPR 6.1, 28 days from Close of Expert Discovery]	119 days after claim construction ruling

(7) SETTLEMENT/ALTERNATIVE DISPUTE RESOLUTION/OTHER PROCEEDINGS

Event	Yes/No
Likely to request referral to a Magistrate Judge for settlement conference	No
Likely to request referral to court-annexed arbitration	No
Likely to request referral to court-annexed mediation	No
Last day to seek stay pending reexamination [LPR 3.5]	August 11, 2022
The parties will complete private mediation/arbitration by:	TBD
The parties will evaluate case for Settlement/ADR on:	TBD
Settlement probability:	Low

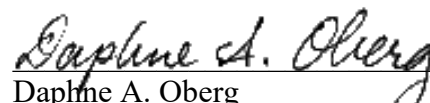
Plaintiff is directed to file a new scheduling order within 14 days of ruling on claim construction. The Court will set trial deadlines in that order or through a case management conference.

(8) OTHER MATTERS

All Motions in Limine should be filed well in advance of the Final Pretrial Conference.

DATED this 11th day of January, 2022.

BY THE COURT:


Daphne A. Oberg
United States Magistrate Judge